

REMARKS

The present application has been reviewed in light of the final Office Action dated November 14, 2008. Claims 1-20 are pending. By this Amendment, claim 1 has been amended to clarify the claimed invention. Support for the claim amendment can be found in the application at, for example, page 26, line 20, to page 27, line 4. Entry of this amendment is respectfully requested.

Initially, notice is taken that the Office Action continues to indicate claims 3-8 as being allowed.

In the outstanding Office Action, claims 1, 2, and 9-20 were rejected under 35 U.S.C. §102(b) as being purportedly anticipated by U.S. Patent No. 4,916,533 to Gillies et al. (hereinafter "Gillies") for the reasons set forth in numbered paragraph 6 of the May 14, 2008 Office Action.

By this Amendment, independent claim 1 has been amended to clarify that the claimed endoscope inserting direction detecting apparatus includes, *inter alia*, a shape-of-range defining means for defining the shape of a specified area on the basis of the continuity of the distribution of pixels that are sampled by the pixel sampling means and that are contained in the specified area.

Gillies describes a process of connecting line segments extracted from an original image to form a curve that is then used to determine an insertion direction for an endoscope. However, Gillies does not disclose the shape-of-range defining means set forth in amended claim 1 because (i) the curve obtained in Gillies cannot define the shape of a specified area and (ii) the connecting of line segments extracted from an original image to obtain a curve, as described in

Gillies, is not made on basis of the continuity of the distribution of sampled pixels that are contained in a specified area.


Accordingly amended claim 1 is patentably distinguishable from Gillies at least because Gillies does not disclose or suggest a shape-of-range defining means for defining the shape of a specified area on the basis of the continuity of the distribution of pixels that are sampled by the pixel sampling means and that are contained in the specified area.

Applicants respectfully submit that independent claims 9 and 11 are patentably distinguishable over Gillies for at least similar reasons.

For at least the above-stated reasons, Applicants respectfully submit that amended claim 1 and claims 9 and 11, and the claims depending therefrom, are patentable over Gillies. Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §102(b).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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